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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEVE BRANDT and DONALD DORSEY

Appeal 2007-3813
Application 10/074,970
Technology Center 2600

Decided: March 26, 2008

Before ROBERT E. NAPPI, SCOTT R. BOALICK, and CARLA M.
KRIVAK, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 6 of the final rejection of claims 1 through 20.

We reverse the Examiner's rejections of these claims.

INVENTION

The invention is directed to a method to reduce power consumed by a mobile communication device when it is in the process of reselecting a

cellular base station. See pages 3 through 5 of Appellants' Specification.

Claim 1 is representative of the invention and reproduced below:

1. A method in a mobile wireless communication device,
comprising:
 receiving present paging information;
 performing present signal measurements while receiving the
present paging information;
 performing present reselection processing on prior signal
measurements while performing present signal measurements.

REFERENCE

New	US 6,625,467 B2	Sep. 23, 2003
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REJECTION AT ISSUE

Claims 1 through 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by New. The Examiner's rejection is on pages 3 through 7 of the Answer.

Throughout the opinion, we make reference to the Brief (received November 15, 2006), Reply Brief (received April 30, 2007), and the Answer (mailed March 22, 2007) for the respective details thereof.

ISSUES

Appellants contend, on page 6 of the Brief, that the Examiner's rejection of the independent claim 1 under 35 U.S.C. § 102(e) is in error. Appellants argue that New does not teach receiving present paging information while performing present signal measurements. Appellants

present similar arguments directed to independent claims 8, 12, 15, and 18 on pages 10, 12, 14, and 16 of the Brief.

Thus, the contentions of Appellants present us with the issue of whether New teaches receiving present paging information while performing present signal measurements.

FINDINGS OF FACT

1. New teaches a method to efficiently process paging channels in an asynchronous wireless communication system.
Abstract.
2. New teaches that with asynchronous wireless communications systems the interval, in which the paging information for a given mobile unit is transmitted, may be different for different base stations. Col. 3, ll. 14-19.
3. New's system performs signal measurements when the mobile device comes out of an inactive state and develops a reacquisition search list. Col. 8, ll. 12-16, and 58-63.
4. The reacquisition search list is then used to determine from which base station, and time interval, the mobile unit is to receive the paging information. New Col. 9, ll. 31-49.
5. Figure 4 of New depicts a time line of transmissions from three base stations and the activity of the mobile unit. At time T_{CRI} , the mobile unit makes measurements of the signals from the base stations, based upon these measurements; it will either receive the paging information

at T_1 from base station 2 or T_2 from base station 1. Col. 10 ll. 2-18.

6. As can be see from figure 4, both time T_1 and T_2 are after time T_{CR1} .

ANALYSIS

We consider the Examiner's rejections of independent claims 1, 8, 12, 15, and 18 under 35 U.S.C. § 102(e) to be in error. Independent claim 1 recites, "performing present signal measurements while receiving the present paging information." Independent claims 8 and 18 recite similar limitations. Independent claim 12 recites "receiving at least a portion of the periodic paging information concurrently with performing at least a portion of the periodic signal measurements." Independent claim 15 recites "performing present neighbor cell signal strength measurements while receiving the present paging block." Thus, the independent claims all recite that a signal measurement is made at the same time that paging information is received.

The Examiner finds that New teaches this limitation and states on pages 7 and 8 of the Answer:

See in column 10 lines 2-1 8, wherein there are present measurements made of signals, in the present, including paging information which is being received at the same time, also in period 426. It is clear in the cited portion that paging information form [sic] Base stations 1 and 2 are being received and measured. And, as already stated, demodulation of paging information could not occur without first receiving it.

We agree with the Examiner that New teaches that in time period 426 (figure 4) measurements of signal strength are performed and paging information is performed. Facts 3 and 5. However, we do not find a signal

measurement is made at the same time that paging information is received. New teaches that the signal strengths are measured during time period T_{CR1} . Fact 5. Further, New teaches that the paging information, depending upon whether Base station 1 or 2 has a stronger signal, is received at either time T_1 or T_2 , both of which are after time T_{CR1} . Fact 6. Further, we note that the signal received to be measured at time T_{CR1} is not disclosed as containing paging information, (i.e., the signal received to be measured has not been shown to be paging information). Accordingly, we do not find that New discloses all of the limitations of independent claims 1, 8, 12, 15, and 18 and the claims dependent therefrom. Thus, we reverse the Examiner's rejection of claims 1 through 20 under 35 U.S.C. § 102(e).

ORDER

For the foregoing reasons, we will not sustain the Examiner's rejections under 35 U.S.C. § 102(e). The decision of the Examiner is reversed.

REVERSED

gvw

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